

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: WELLBUTRIN XL                                 :     CIVIL ACTION  
ANTITRUST LITIGATION                                :     :  
  :     NO. 08-2431 (direct)  
  :     NO. 08-2433 (indirect)

ORDER

AND NOW, this 21st day of July, 2010, upon consideration of Rochester Drug Co-Operative's Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) (Docket No. 192) and the Direct Purchaser Plaintiffs' Motion to Substitute the Class Representative (Docket No. 191) in the direct purchaser action (Case No. 08-2431); Aetna Inc.'s Motion for Intervention Under Fed. R. Civ. Pr. 24(a)(2) and 24 (b)(1)(B) (Docket No. 149) in the indirect purchaser action (Case No. 08-2433); the respective responses and replies thereto; and for the reasons stated in a memorandum of law bearing today's date; IT IS HEREBY ORDERED that:

1. The Court GRANTS in part and DENIES in part Rochester Drug Co-Operative's ("RDC") motion. RDC is dismissed without prejudice on the following conditions: (1) that it shall not seek to reenter this case as a class representative, and (2) that it shall produce the discovery ordered by the Court's Order dated March 11, 2010. RDC shall produce such discovery on or before August 6, 2010;

2. Upon the agreement of the parties, the Court GRANTS the direct purchaser plaintiffs' motion to substitute the class representative; and

3. The Court DENIES Aetna's motion for intervention.

It is FURTHER ORDERED that the parties shall confer to reestablish a class certification and discovery schedule for these cases. The parties shall submit a joint letter to the Court detailing the outcome of that discussion. In the event that the parties cannot reach an agreement on scheduling, they shall separately submit such a letter detailing their respective wishes. The parties shall have until August 6, 2010, to submit, jointly or separately, such letters.

BY THE COURT:

/s/Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.